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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,825	08/14/2000	Housh Khoshbin	3861 P 002	9537

7590 01/16/2003
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EXAMINER

BROWN, VERNAL U

ART UNIT PAPER NUMBER

2635

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

FN

FN

Office Action Summary	Application No. 09/638,825	Applicant(s) KHOSHBIN ET AL.	
	Examiner Vernal U Brown	Art Unit 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,3</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2635

DETAILED ACTION

The application of Housh Khoshbin and James Won for method And Apparatus For Displaying Advertising Indicia On A Wireless Device filed 08/14/2000 has been examined claims 1-38 are pending.

Drawings

The drawing in figure 1 is objected to because the elements of the figures are not labeled in accordance with 35 CFR 1.83(a).

Specification

The abstract of the disclosure is objected to because it includes improper language such as "The invention", See MPEP 08.01(b). Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The current abstract using phrase "The present invention " is implied and should be avoided.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2635

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 8, 9-12, 13-23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel et al. U.S Patent 6157814 in view of Amma U.S Patent 6400256.

Regarding claims 1 and 16, Hymel et al. teaches a wireless device (col. 2 lines 38-40) having an identity, for notifying a user of a source of a page directed specifically to the identity of the wireless device (col. 2 lines 26-32), comprising: a housing (inherent to the wireless device); a liquid crystal display (LCD) attached to the housing (col. 3 lines 12-15); a liquid crystal display driver (software program running on the micro-controller) connected to the LCD for causing indicia to appear on the LCD (col. 3 lines 45-47); a controller (56) connected to the LCD driver for sending to the LCD a signal comprising indicia to appear on the LCD (col. 3 lines 38-41); a programmable read only memory (col. 3 line 24), preprogrammed with advertising indicia; and a receiver connected to the controller for receiving a page signal directed specifically at the identity of the wireless device and for communicating the page signal to the controller, wherein the controller receives the page signal received by the receiver wherein the controller sends to the LCD driver a signal comprising the advertising indicia in the PROM for causing the LCD to display the advertising indicia (col. 4 lines 15-30) but is however silent on teaching displaying the source of the call. Amma in an art related Communication Apparatus Capable of Displaying Simultaneously the Latest Messages Received From a Caller invention teaches displaying the source of the call received by a paging device (figures 4A-4C).

Art Unit: 2635

It would have been obvious to one of ordinary skill in the art to display the source of the call to the wireless device in Hymel et al. as evidenced by Amma because Hymel et al. suggests displaying the received message and one skilled in the art recognizes that is conventional practice to display the source of a call to a wireless device as evidenced by Amma.

Regarding claim 2, Hymel et al. teaches the wireless device advertising indicia is a directed message (col. 3 lines 18-20).

Regarding claim 3, Hymel et al. teaches the advertising indicia is logo (col. 3 lines 21-23).

Regarding claims 4-5, Hymel et al. teaches the wireless receiver received radio frequency signal (col. 2 lines 46-47) but is not explicit in teaching the frequency of the wireless device is use for its identity. One skilled in the art recognizes that communication with the wireless device is carried out at a particular frequency or over a given frequency range and the wireless receiver is therefore identify by it frequency of operation.

It would have been obvious to one of ordinary skill in the art for the frequency or frequency range to be used as the identity of the wireless device in Hymel et al. because Hymel et al. suggests the wireless device having an identity and one skilled in the art recognizes that communication with the wireless device is carried out at a particular frequency or over a given frequency range and the wireless receiver is therefore identify by it frequency of operation.

Regarding claim 6, Hymel et al. teaches a pager displaying a phone number (col. 1 lines 17-20) but is not explicit in teaching the source of the page is the number to call. One skilled in the art recognizes that the phone number displayed on a pager when a page is received represent the call back number and the source of the page.

It would have been obvious to one of ordinary skill in the art for the source of the page to be the number to call in Hymel et al. because Hymel et al. suggests a pager displaying a phone number and one skilled in the art recognizes that the phone number displayed on a pager when a page is received represent the call back number and the source of the page.

Regarding claim 7, Hymel et al. teaches a page comprising a text message (col. 1 lines 17-20) but is silent on teaching the source of the page comprises a name of a person. Amma in an art related Communication Apparatus Capable of Displaying Simultaneously the Latest Messages Received From a Caller invention teaches the source of the page comprises a name of a person name (figure 4A).

It would have been obvious to one of ordinary skill in the art for source of the page to comprise a name of a person in Hymel et al. because Hymel et al. suggests displaying identification information of the call source and Amma teaches the source of the page comprises a name of a person name in order to provide information concerning the caller.

Regarding claim 8, Hymel et al. teaches the receiver is continuously attempting to detect the page signal directed at the wireless device (col. 4 lines 14-15).

Regarding claim 9, Hymel et al. teaches the wireless device is a pager (col. 2 line 22).

Regarding claim 12, Hymel et al. is not explicit in teaching a power source for powering the controller and the LCD. One skilled in the art recognizes that the controller and the LCD require a power supply for its operation.

Art Unit: 2635

It is therefore obvious to one of ordinary skill in the art to have a power source for powering the controller and the LCD because the controller and the LCD requires a power supply for its operation.

Regarding claim 13, Hymel et al. teaches the PROM is an electrically erasable PROM (EEPROM) and wherein the preprogrammed advertising indicia therein can be changed (col. 3 lines 23-29).

Regarding claim 14, Hymel et al. teaches the controller receives the page signal received (col. 3 lines 45-46) by the receiver wherein the controller sends to the LCD driver a signal comprising the advertising indicia in the PROM for causing the LCD to display the advertising indicia (col. 4 lines 24-30) but is silent on teaching the controller sends the LCD driver the indicia within five seconds. One skilled in the art recognizes that the time taken to send the indicia to the LCD depends on the speed of operation of the micro-controller.

It would have been obvious to one of ordinary skill in the art for the controller to send the LCD driver the indicia within five seconds because Hymel et al. suggests a wireless device having a LCD driver with a micro-controller and one skilled in the art recognizes that recognizes that the time taken to send the indicia to the LCD depends on the speed of operation of the micro-controller.

Regarding claim 15, Hymel et al. teaches the use of a controller (col. 3 line 40) but is silent on teaching the controller is an MCU Hitachi 3827.

It would have been obvious to one of ordinary skill in the art to use a MCU Hitachi 3827 as the controller in Hymel et al. because Hymel et al. suggests a the use of a micro-controller in the wireless device and MCU Hitachi 3827 is a controller.

Regarding claim 17, Hymel et al. teaches the controller waits to send the signal comprising the advertising indicia to the driver until the user selects to view the source of the page (col. 3 lines 9-11)..

Regarding claim 18, Hymel et al. teaches a memory device (38) for a wireless device, the wireless device having an identity col. 2 lines 27-33), the wireless device notifying a user of a source (shown by advertisement icon) of a page directed specifically to the identity of the wireless device (col. 3 lines 45-46), and the wireless device comprising a housing (inherently to the wireless device); a display attached to the housing (col. 3 lines 12-15); a driver (software program running on the micro-controller) connected to the display, for causing indicia to appear on the display; a controller connected to the driver for sending to the display a signal comprising indicia to appear on the display (col. 3 lines 45-47); and a receiver (34) connected to the controller (36), the receiver receiving a page signal directed specifically at the identity of the wireless device and for communicating the page signal to the controller (figure 2, col. 2 lines 42-49), the memory device comprising: a storage location preprogrammed with advertising indicia, wherein the controller receives the page signal received by the receiver wherein the controller sends to the driver a signal comprising the advertising indicia preprogrammed in the memory for causing the display to display the advertising indicia (col. 4 lines 15-30) but is silent on teaching

Art Unit: 2635

the controller sends to the driver a signal comprising an identification of the source of the page for display on the display. Amma in an art related Communication Apparatus Capable of Displaying Simultaneously the Latest Messages Received From a Caller invention teaches displaying the source of the call received by a paging device (figures 4A-4C).

It would have been obvious to one of ordinary skill in the art to display the source of the call to the wireless device in Hymel et al. as evidenced by Amma because Hymel et al. suggests displaying the received message and one skilled in the art recognizes that is conventional practice to display the source of a call to a wireless device as evidenced by Amma.

Regarding claim 19, Hymel teaches a method of providing advertising indicia to a user of a wireless device on the display of the wireless device (figure 3), the wireless device for notifying the user of a source of a page directed specifically to an identity of the wireless device (col. 2 lines 27-36), the method comprising the steps of: receiving an advertising request for placement of advertising indicia within the wireless device (col. 4 lines 12-30); storing in a memory located within the wireless device the advertising indicia (col. 3 line 50) and the advertising indicia stored in the memory of the wireless device will appear on the display of the wireless device (col. 3 lines 45-47) but is silent on teaching the source of the page will appear on the display of the wireless device. Amma in an art related Communication Apparatus Capable of Displaying Simultaneously the Latest Messages Received From a Caller invention teaches displaying the source of the call received by a paging device (figures 4A-4C).

Art Unit: 2635

It would have been obvious to one of ordinary skill in the art to display the source of the call to the wireless device in Hymel et al. as evidenced by Amma because Hymel et al. suggests displaying the received message and one skilled in the art recognizes that is conventional practice to display the source of a call to a wireless device as evidenced by Amma.

Regarding claim 20, Hymel et al. teaches the advertisement indicia appeared on the display followed by the advertisement message (col. 5 lines 4-7) but is silent on teaching the source of the page is displayed. One skilled in the art recognizes that is conventional practice to display the source of a call to a wireless device as evidenced by Amma (figures 4A-4C).

It would have been obvious to one of ordinary skill in the art to display the source of the call to the wireless device in Hymel et al. as evidenced by Amma because Hymel et al. suggests displaying the received message and one skilled in the art recognizes that is conventional practice to display the source of a call to a wireless device as evidenced by Amma.

Regarding claim 21 and 22, Hymel et al. teaches the storing of advertisement icon in memory (col. 3 line 30). The storing of the advertisement indicia in memory is independent of location. It is therefore obvious for the storing step to take place at a manufacturing facility or at a distributor of the wireless device.

It would have been obvious to one of ordinary skill in the art for the storing step to take place at a manufacturing facility or at a distributor of the wireless device because Hymel et al. suggests storing the advertisement indicia in memory and the storing of the advertisement indicia is independent of location.

Art Unit: 2635

Regarding claims 23 and 33, Hymel et al. teaches the step of storing the advertisement indicia involve programming the memory wirelessly or any other equivalent manner (col. 3 lines 25-29) but is silent on teaching using a personal computer to download the advertisement indicia to the memory of the wireless device. One skilled in the art recognizes that computers are widely used in the programming of memories.

It would have been obvious to one of ordinary skill in the art to use a personal computer to download the advertisement indicia to the memory of the wireless device in Hymel et al. because suggests the step of storing the advertisement indicia involve programming the memory wirelessly or any other equivalent manner and one skilled in the art recognizes that computers are widely used in the programming of memories.

Regarding claims 24-27 and 32, Hymel et al. in view of Amma is silent on teaching whether the users of the wireless device is billed or not. One skilled in the art recognizes that the choice of charging the users of the wireless device for the paging service rendered is a matter of choice by the designer or the service provider.

It would have been obvious to one of ordinary skill in the art to allow the users of the wireless device to pay or not pay for the use of the wireless device in Hymel et al. in view of Amma because Hymel in view of Amma teaches a wireless device receiving messages from a service provider and one skilled in the art recognizes that the choice of charging the users of the wireless device for the paging service rendered is a matter of choice by the designer or the service provider.

Art Unit: 2635

Regarding claim 28, Hymel et al. teaches a plurality of different advertising indicia are stored in memory (col. 3 lines 16-19). Hymel et al teaches that each advertisement indicia represent a particular advertiser symbolism (col. 3 lines 20-21) and that the advertisement indicia is associated with each message (col. 3 lines 45-46) but is silent on teaching when a first page is received, a first advertising indicia of the plurality of advertising indicia stored in memory is displayed on the display of the wireless device, and wherein a second page is received, a second advertising indicia of the plurality of advertising indicia stored in memory is displayed on the display of the wireless device.

It would have been obvious to one of ordinary skill in the art for when a first page is received, a first advertising indicia of the plurality of advertising indicia stored in memory is displayed on the display of the wireless device, and wherein a second page is received, a second advertising indicia of the plurality of advertising indicia stored in memory is displayed on the display of the wireless device in Hymel et al. because Hymel suggests that each advertisement indicia represent a particular advertiser symbolism and that the advertisement indicia is associated with each message therefore each time a new message is received the indicia representing the advertisement message is displayed.

Regarding claims 29-31, Hymel et al teaches the message includes a time duration and the advertisement indicia is assigned to the message indicator based on the time duration (col. 4 lines 1-3) but is silent on teaching the first and second advertising indicia alternate being displayed on the display, the first advertisement indicia to appear on the display a particular percentage of time, the first advertisement indicia to appear on the display more than the second

Art Unit: 2635

advertisement indicia. The variation in displaying the advertisement indicia outlined in claims 29-31 are all based on time duration as taught by Hymel et al.

It would have been obvious to one of ordinary skill in the art for the first and second advertising indicia alternate being displayed on the display, the first advertisement indicia to appear on the display a particular percentage of time, the first advertisement indicia to appear on the display more than the second advertisement indicia in Hymel et al. because Hymel et al. suggests the message includes a time duration and the advertisement indicia is assigned to the message indicator based on the time duration and the variation in displaying the advertisement indicia outlined in claims 29-31 are all based on time duration as taught by Hymel et al.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel et al. U.S. Patent 6157814 in view of Abdul-Halim U.S. Patent 5604492.

Regarding 10, Hymel et al. is silent on teaching the wireless device is a personal digital assistant. Abdul-Halim in an art related invention in the same field of endeavor of wireless device teaches personal digital assistant as a wireless device (col. 4 lines 51-54).

It would have been obvious to one of ordinary skill in the art to use a personal digital assistant as the wireless device in Hymel et al. as evidenced by Abdul-Halim because Hymel et al. suggests a wireless device with a paging function and Abdul-Halim teaches a personal digital assistant with a paging function that communicate wirelessly.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel et al. U.S. Patent 6157814 in view of Gaulke et al. U.S. Patent 5737707.

Regarding claim 11, Hymel et al. is silent on teaching the wireless device is a cell phone. Gaulke et al. Pager-Controlled Wireless Radiotelephone invention teaches a cell phone and a pager integrated into a single unit (col. 2 lines 66-67).

It would have been obvious to one of ordinary skill in the art to use as a cell phone as a wireless device to receive messages in Hymel et al. as evidenced by Gaulke et al. because Hymel et al. suggests a pager receiving messages and Gaulke et al. teaches a pager and a cell phone integrated into one unit which provide for convenient operation.

Claim 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel et al. U.S Patent 6157814 in view of Amma U.S Patent 6400256 and further in view of Hymel et al. U.S Patent 6031467.

Regarding claims 34 and 38 Hymel et al. (U.S Patent 6157814) in view of Amma teaches displaying the advertisement message includes displaying the advertisement indicia (col. 3 lines 45-52) but is silent on teaching the programming of the wireless device to display the advertisement indicia for a first time length before the source of the page is displayed on the display. Hymel et al. (U.S Patent 6031467) in an art related Method In A Selective Call Radio For Ensuring Reception of Advertisement Message invention teaches displaying the personal message followed by the advertisement message (col. 3 lines 49-59). The order of displaying the advertisement indicia and the personal message is a programmable feature, therefore it is obvious to program the wireless device to display the advertisement indicia for a first time length before the source of the page is displayed on the display.

It would have been obvious to one of ordinary skill in the art to program the wireless device to display the advertisement indicia for a first time length before the source of the page is displayed on the display in Hymel et al (U.S Patent 6157814) in view of Amma because Hymel et al. (U.S Patent 6157814) suggests displaying the advertisement message includes displaying the advertisement indicia and Hymel et al. (U.S Patent 6031467) teaches displaying the personal message followed by the advertisement message (col. 3 lines 49-59). The order of displaying the advertisement indicia and the personal message is a programmable feature therefore it is obvious to program the wireless device to display the advertisement indicia for a first time length before the source of the page is displayed on the display.

Regarding claim 35, Hymel et al. (U.S Patent 6157814) in view of Amma teaches the advertisement indicia and the message has a time duration (col. 4 lines 1-3) but is silent on teaching the first length of time begins after the alarm is complete. Hymel et al. (U.S Patent 6031467) in an art related Method In A Selective Call Radio For Ensuring Reception of Advertisement Message invention teaches the user is warned that the corresponding advertisement message must be received in a predetermined time (col. 3 line 66-col. 4 line 1) and once the user is warned the timer is activated for the first length of time (col. 4 lines 9-12). The first length of time is a programmable feature (col. 4 lines 20-22).

It would have been obvious to one of ordinary skill in the art for the first length of time to begin after the alarm is complete in Hymel et al. (U.S Patent 6157814) as evidenced by Hymel et al. (U.S Patent 6031467) because Hymel et al. (U.S Patent 6157814) suggests the advertisement indicia and the message has a time duration and Hymel et al. (U.S Patent 6031467) teaches the

Art Unit: 2635

first length of time begins after the alarm is complete in order to give the user a predetermined time in which to display the advertisement message.

Regarding claims 36-37, Hymel et al. (U.S Patent 6157814) teaches the alarm is a vibration of a vibrator or an audible alarm (col. 3 lines 3-5).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-F, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Vernal Brown
January 10, 2003

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

